



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

APPLICATION FOR SURFACE WATER USE PERMIT FOR
PROPOSED NEW USE IN A DESIGNATED SURFACE WATER
MANAGEMENT AREA

FORM SWUPA-N ☐ Application for New use
☐ Application to Modify SWUP No. _____

For Official Use Only:

For detailed instructions on filling out this application form completely, refer to the attached instructions sheet.
Incomplete applications will not be accepted for processing.

- The following must be attached before this application is accepted as complete:
- Portion of 7.5-Minute Series USGS topographic map (scale 1:24,000) labeled with stream and diversion location and the quad map name.
 - Property tax map showing the stream or diversion location and location of water use referenced to established property boundaries.
 - Photograph(s) of the surface water source, diversion and end use, if applicable.

APPLICANT INFORMATION: NOTE: In accordance with HRS §174C-51(1)(B), *In the event a lessee, licensee, developer, or any other person with a terminable interest or estate in the land which is the water source of the permitted water, applies for a water permit, the landowner shall be stated as a joint applicant for the water permit.*

1. APPLICANT'S NAME		Applicant's Contact		2. SOURCE LANDOWNER'S NAME		Source Landowner's Contact					
Applicant's Mailing Address, or Principal Place of Business				Source Landowner's Mailing Address, or Principal Place of Business							
Applicant's Phone		Applicant's Fax		Applicant's E-mail		Source Landowner's Phone		Source Landowner's Fax		Source Landowner's E-mail	

SOURCE INFORMATION

3. SURFACE WATER HYDROLOGIC UNIT:		Island:	Hydrologic Unit:	Hydrologic Unit Code:				
4. INSTREAM FLOW STANDARD (IFS) FOR HYDROLOGIC UNIT IF APPLICABLE:								
5. CAN YOUR PROPOSED USE(S) BE ACCOMMODATED WITHIN THE ABOVE AMOUNTS: <input type="checkbox"/> Yes <input type="checkbox"/> No Explain how your proposed use(s) can be accommodated within the existing IFS for the above hydrologic unit:								
6a. TMK OF PROPOSED STREAM DIVERSION LOCATION:		<div>Zone</div>	-	<div>Sec</div>	-	<div>Plat</div>	:	<div>Parcel</div>
6b. TMK OF PROPOSED DITCH DIVERSION LOCATION:		<div>Zone</div>	-	<div>Sec</div>	-	<div>Plat</div>	:	<div>Parcel</div>
7a. PROPOSED STREAM DIVERSION: How will water be diverted from the stream to your property? Check all that apply. <input type="checkbox"/> Pipe <input type="checkbox"/> Pump <input type="checkbox"/> Ditch/auwai <input type="checkbox"/> Other Describe: _____								
7b. WILL THE DIVERTED WATER BE RETURNED TO THE STREAM OR DITCH? <input type="checkbox"/> Yes. How much water will be returned? <input type="checkbox"/> No								
8. PROPOSED FLOW MEASUREMENT INFORMATION: Will the stream diversion have a flow meter with totalizer or other device to measure diverted amounts? <input type="checkbox"/> Yes. List the manufacturer and describe the device . _____ <input type="checkbox"/> No. Explain how stream diversion will be measured or estimated to justify amounts requested in the space below.								

PROPOSED USE INFORMATION HRS §174C-51(4), (5), (6)

9. TOTAL QUANTITY OF WATER REQUESTED:		gallons per day. See Table 1, Item14.		
10. PROPOSED USE: Check all that apply.		<input type="checkbox"/> Agriculture	<input type="checkbox"/> Domestic	<input type="checkbox"/> Industrial
See Table 1, Item 1.		<input type="checkbox"/> Irrigation	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal
11. LOCATION OF PROPOSED WATER USE: Show the location of the proposed use on the same USGS and TMK maps as the proposed source location. Otherwise, attach similar maps. See Table 1, Item 2.				

PROPOSED USER INFORMATION

12. APPURTENANT RIGHT: Do you claim an appurtenant right for your proposed water use?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, has the appurtenant right been established by the courts or the Commission?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
13. PROPOSED END USER INFORMATION: Will you be an end user on an existing water system? <input type="checkbox"/> Yes. List the name of the system operator: _____ <input type="checkbox"/> No			
14. REGISTRATION AND DECLARATION OF WATER USE: Do you have a Registration and Declaration of Water Use from the Commission? <input type="checkbox"/> Yes. List the file reference name(s): _____ <input type="checkbox"/> No			
15. STREAM DIVERSION WORKS PERMIT (SDWP): Do you have a SDWP from the Commission? <input type="checkbox"/> Yes. List the permit number(s): _____ <input type="checkbox"/> No			

NOTE: Signing below indicates that the signatories understand and affirm that the information provided on this application is accurate and true to the best of their knowledge. Furthermore, the signatories understand that: 1) if necessary, additional information may be required before the application is considered complete; 2) if a water use permit is granted by the Commission, this permit will be subject, but not limited to, any existing legal uses, changes in sustainable yields and instream flow standards, Hawaiian Home Lands uses, and any other conditions imposed by the Commission; and 3) **the applicant is responsible for paying the required public notice fees associated with this application.**

16. APPLICANT		17. SOURCE LANDOWNER	
Signature		Signature	
Print		Print	
Date		Date	

APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY

(Attach additional copies of Table1 if necessary.)

LAND USE CONSISTENCY						EFFICIENCY OF USE								
1	2				3	4	5	6	7	8	9	10	11	
PURPOSE / WATER USE CATEGORY	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: <ul style="list-style-type: none">Property tax map, showing proposed location of use referenced to established property boundaries.Photograph of the area of proposed use.				STATE LAND USE DISTRICT	CDUP REQ'D Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQ'D Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	GPD/UNIT or GPD/ACRE (Gallons per Day)	REQUESTED QUANTITY OF USE (GPD)	SUB-METERED? Check Yes or No	APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 9. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 2.	
Uses that require potable (drinking) water														
	<div><div></div><div>Zone</div></div>	-	<div><div></div><div>Sec</div></div>	-	<div><div></div><div>Plat</div></div>	:	<div><div></div><div>Parcel</div></div>	<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>		<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>			<div><input type="checkbox"/> Yes <input type="checkbox"/> No</div>	
	<div><div></div><div>Zone</div></div>	-	<div><div></div><div>Sec</div></div>	-	<div><div></div><div>Plat</div></div>	:	<div><div></div><div>Parcel</div></div>	<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>		<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>			<div><input type="checkbox"/> Yes <input type="checkbox"/> No</div>	
	<div><div></div><div>Zone</div></div>	-	<div><div></div><div>Sec</div></div>	-	<div><div></div><div>Plat</div></div>	:	<div><div></div><div>Parcel</div></div>	<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>		<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>			<div><input type="checkbox"/> Yes <input type="checkbox"/> No</div>	
	<div><div></div><div>Zone</div></div>	-	<div><div></div><div>Sec</div></div>	-	<div><div></div><div>Plat</div></div>	:	<div><div></div><div>Parcel</div></div>	<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>		<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>			<div><input type="checkbox"/> Yes <input type="checkbox"/> No</div>	
TOTAL POTABLE USE											<div><div></div><div>12</div></div>	GPD		
Uses that do not require potable water														
	<div><div></div><div>Zone</div></div>	-	<div><div></div><div>Sec</div></div>	-	<div><div></div><div>Plat</div></div>	:	<div><div></div><div>Parcel</div></div>	<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>		<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>			<div><input type="checkbox"/> Yes <input type="checkbox"/> No</div>	
	<div><div></div><div>Zone</div></div>	-	<div><div></div><div>Sec</div></div>	-	<div><div></div><div>Plat</div></div>	:	<div><div></div><div>Parcel</div></div>	<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>		<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>			<div><input type="checkbox"/> Yes <input type="checkbox"/> No</div>	
	<div><div></div><div>Zone</div></div>	-	<div><div></div><div>Sec</div></div>	-	<div><div></div><div>Plat</div></div>	:	<div><div></div><div>Parcel</div></div>	<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>		<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>			<div><input type="checkbox"/> Yes <input type="checkbox"/> No</div>	
	<div><div></div><div>Zone</div></div>	-	<div><div></div><div>Sec</div></div>	-	<div><div></div><div>Plat</div></div>	:	<div><div></div><div>Parcel</div></div>	<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>		<div><input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No</div>			<div><input type="checkbox"/> Yes <input type="checkbox"/> No</div>	
TOTAL NON POTABLE USE											<div><div></div><div>13</div></div>	GPD		
TOTAL QUANTITY OF WATER REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =											<div><div></div><div>14</div></div>	GPD		
15. Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. §174C-51(5) HRS														

APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE

TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown as separate line items and include landscape and golf course irrigation.
Attach additional copies of Table 2 if necessary.

1	2	2	4	5	6	7	8
TMK OF PROPOSED LOCATION OF USE (Attach TMK map outlining area and photos for each proposed use.)	CROP	TOTAL ACREAGE	NET IRRIGATED ACREAGE	BEGIN GROWTH PERIOD (Month)	END GROWTH PERIOD (Month)	IRRIGATION SYSTEM (Refer to instructions.)	IRRIGATION PRACTICE (Refer to instructions.)
<div><div></div><div>Zone</div></div> - <div><div></div><div>Sec</div></div> - <div><div></div><div></div><div></div><div>Plat</div></div> : <div><div></div><div></div><div></div><div>Parcel</div></div>							
<div><div></div><div>Zone</div></div> - <div><div></div><div>Sec</div></div> - <div><div></div><div></div><div></div><div>Plat</div></div> : <div><div></div><div></div><div></div><div>Parcel</div></div>							
<div><div></div><div>Zone</div></div> - <div><div></div><div>Sec</div></div> - <div><div></div><div></div><div></div><div>Plat</div></div> : <div><div></div><div></div><div></div><div>Parcel</div></div>							
<div><div></div><div>Zone</div></div> - <div><div></div><div>Sec</div></div> - <div><div></div><div></div><div></div><div>Plat</div></div> : <div><div></div><div></div><div></div><div>Parcel</div></div>							
<div><div></div><div>Zone</div></div> - <div><div></div><div>Sec</div></div> - <div><div></div><div></div><div></div><div>Plat</div></div> : <div><div></div><div></div><div></div><div>Parcel</div></div>							
<div><div></div><div>Zone</div></div> - <div><div></div><div>Sec</div></div> - <div><div></div><div></div><div></div><div>Plat</div></div> : <div><div></div><div></div><div></div><div>Parcel</div></div>							
<div><div></div><div>Zone</div></div> - <div><div></div><div>Sec</div></div> - <div><div></div><div></div><div></div><div>Plat</div></div> : <div><div></div><div></div><div></div><div>Parcel</div></div>							
<div><div></div><div>Zone</div></div> - <div><div></div><div>Sec</div></div> - <div><div></div><div></div><div></div><div>Plat</div></div> : <div><div></div><div></div><div></div><div>Parcel</div></div>							
<div><div></div><div>Zone</div></div> - <div><div></div><div>Sec</div></div> - <div><div></div><div></div><div></div><div>Plat</div></div> : <div><div></div><div></div><div></div><div>Parcel</div></div>							
<div><div></div><div>Zone</div></div> - <div><div></div><div>Sec</div></div> - <div><div></div><div></div><div></div><div>Plat</div></div> : <div><div></div><div></div><div></div><div>Parcel</div></div>							

9. COMMENTS:

APPLICATION FOR SURFACE WATER USE PERMIT - PROPOSED NEW USE

TABLE 3: ALTERNATIVES ANALYSIS AND ADDITIONAL REQUIREMENTS

	A. Analysis of Potable Alternatives (Attach additional sheets if necessary.)	B. Analysis of Non-Potable Alternatives (Attach additional sheets if necessary.)
Municipal sources		
Wastewater reuse		
Ditch system		
Desalinization		
Ground water		
Other (specify)		

C. ADDITIONAL REQUIREMENTS:

PUBLIC INTEREST Hawaii Revised Statutes §174C-2(c) states that: *The state water code shall be liberally interpreted to obtain maximum beneficial use of the waters of the State for purposes such as domestic uses, aquaculture uses, irrigation and other agricultural uses, power development, and commercial and industrial uses. However, adequate provision shall be made for the protection of traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and the preservation and enhancement of waters of the State for municipal uses, public recreation, public water supply, agriculture, and navigation. Such objectives are declared to be in the public interest.*

1. Explain below how your proposed new use(s) will maximize beneficial use(s) and how they will be deemed to be in the public interest as defined by the State Water Code above.

2. Explain below how your proposed new use(s) will not interfere with any existing legal use(s).

3. Explain below how your proposed new use(s) will not interfere with the rights of the Department of Hawaiian Home Lands as provided in Section 221 of the Hawaiian Homes Commission Act.

APPLICATION FOR SURFACE WATER USE PERMIT PROPOSED NEW USE

INSTRUCTIONS

This application form is for **new surface water uses** or for a modification of a previously approved water use permit in designated surface water management areas. New surface water uses are proposed uses after the effective date of designation of the surface water management area. Please check the appropriate box.

Do not use this form for existing surface water use applications. Existing surface water uses are actual uses before the effective date of designation. Please use Form SWUPA-E for existing uses.

Most questions can be addressed by visiting our website at: www.hawaii.gov/dlnr/cwrn, or contacting us at 587-0234, or by email at: dlnr.cwrn@hawaii.gov. The current application forms are also available at: www.hawaii.gov/dlnr/cwrn/resources_permits.htm.

REQUIREMENTS FOR A COMPLETE APPLICATION

1. Fill in the most recent application form. A current form is available at our web site or by contacting us at 587-0234.
2. Print in ink or type in the information on the application.
3. Fill in every item in the application form (page 1) and Tables 1, 2, and 3 as it relates to your proposed new use or permit modification.
4. Enclose a check for the non-refundable filing fee of \$25 payable to: Department of Land and Natural Resources. Government agencies are not required to pay the filing fee.
5. Pay for the cost of publishing any required public notices related to your application. The current cost for publishing public notices is approximately \$400.00. Commission staff will provide instructions later in the permit process regarding payment of these costs.
6. Mark the source and end use locations on the appropriate USGS quad map (scale 1:24,000) and property tax (TMK) map and attach these maps to your application.
7. Attach photos showing your existing diversion, measuring device(s) (if applicable) and end use areas.
8. Sign the application form in ink. Both the applicant and the landowner where the source is located must sign the application form.
9. Submit the original application and **15 copies** of the application form and all attachments (maps, photos and any other attachments) and filing fee to: Commission on Water Resource Management, P.O. Box 621, Honolulu, HI 96809.

ADDITIONAL REQUIREMENTS FOR A COMPLETED APPLICATION

Per Hawaii Revised Statutes §174C-49, the applicant must establish that the proposed new use of surface water:

1. Can be accommodated with the available water source.
2. Is a reasonable-beneficial use.*
3. Will not interfere with any existing legal use of water.
4. Is consistent with the public interest.**
5. Is consistent with state and county general plans and land use designations.
6. Is consistent with county land use plans and policies.
7. Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in Section 221 of the Hawaiian Homes Commission Act.

*HRS §174C-3 of the State Water Code states: *"Reasonable-beneficial use" means the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is both reasonable and consistent with the state and county land use plans and the public interest.*

**HRS §174C-2(c) of the State Water Code states that: *(t)he state water code shall be liberally interpreted to obtain maximum beneficial use of the waters of the State for purposes such as domestic uses, aquaculture uses, irrigation and other agricultural uses, power development, and commercial and industrial uses. However, adequate provision shall be made for the protection of traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and the preservation and enhancement of waters of the State for municipal uses, public recreation, public water supply, agriculture, and navigation. Such objectives are declared to be in the public interest.*

NOTE: Filling in the application from and Tables 1, 2, and 3 completely will address the requirements of HRS §174C-49.

LINE BY LINE INSTRUCTIONS ON APPLICATION

APPLICANT INFORMATION

In accordance with the Hawaii Water Code, both the applicant and the person who owns the property where the water source is located are required to apply for a water use permit. §174C-51(1)(B), HRS, states, *In the event a lessee, licensee, developer, or any other person with a terminable interest or estate in the land, which is the water source of the permitted water, applies for a water permit, the landowner shall also be stated as a joint applicant for the water permit.*

1. **APPLICANT'S NAME:** Fill in the information for the applicant. This should be the person who will be responsible for all conditions of the water use permit.
2. **SOURCE LANDOWNER'S NAME:** Fill in the information for the landowner of the property where the existing surface water diversion works is located.

SOURCE INFORMATION

3. **SURFACE WATER HYDROLOGIC UNIT AND CODE:** Enter the appropriate island, hydrologic unit name, and hydrologic code where the proposed source is located. The "source" is the stream from which water is diverted to the user. For information on hydrologic unit names and unit codes please refer to the *Surface Water Hydrologic Unit: A Management Tool for Instream Flow Standards* report available on the CWRM website at: <http://www.hawaii.gov/dlnr/cwrn/>, or contact CWRM staff at (808) 587-0234. You may also contact CWRM toll-free from Maui at: 984-2400, ext. 70234.

APPLICATION FOR SURFACE WATER USE PERMIT
PROPOSED NEW USE

4. INSTREAM FLOW STANDARD (IFS) FOR HYDROLOGIC UNIT: Provide Instream Flow Standard (IFS) for hydrologic unit if available.
5. CAN YOUR PROPOSED USE BE ACCOMMODATED WITHIN THE ABOVE AMOUNTS: Check “Yes” or “No”. Explain how your proposed use(s) can be accommodated within the Instream Flow Standard (IFS) for the above hydrologic unit.
- 6a. TMK OF PROPOSED STREAM DIVERSION LOCATION: Fill in the Tax Map Key (TMK) number of the tax parcel where the stream diversion will be located. Each tax parcel is issued a TMK number by the county property tax office and is defined as follows: 1st digit = (Island code), 2nd digit = Zone, 3rd digit = Section, Digits 4-6 = Plat, Digits 7-10 = Parcel, e.g. (1) 1-1-001:001. To find out your TMK number, call Maui County Real Property Tax Division at: (808) 270-7297, or check online at: www.mauipropertytax.com/
- 6b. TMK OF PROPOSED DITCH DIVERSION LOCATION: Fill in the Tax Map Key (TMK) number of the parcel where the proposed ditch diversion will be located.
- 7a. PROPOSED STREAM DIVERSION: How will water be diverted from the stream to your property? Check all the appropriate box(es).
- 7b. WILL THE DIVERTED WATER BE RETURNED TO THE STREAM OR DITCH? Check “Yes” or “No.” If yes, enter the amount of water to be returned.
8. PROPOSED FLOW MEASUREMENT INFORMATION: Check “Yes” or “No”. If yes, please describe the measuring device. A flowmeter with a totalizer will directly measure the total use for the source (similar to a car’s odometer). If no, explain how stream diversion will be measured or estimated to justify amounts requested.

PROPOSED USE INFORMATION (HRS §174C-51(4), (5), (6))

9. TOTAL QUANTITY OF WATER REQUESTED: Enter the amount of water requested as gallons per day (GPD). Fill out Table 1 and enter the amount in Box 14, “Total Use Requested.”
10. PROPOSED USE: Check all the boxes that apply for the proposed use. Refer to the instructions for Table 1: Land Use Consistency/Efficiency of Use, Item 1: Purpose/Water Use Category below to determine which water use category to use.
11. LOCATION OF PROPOSED WATER USE: Show the location of the proposed use on the same USGS and TMK maps as the proposed source location. Otherwise, attach similar maps and show the location of the proposed use.

PROPOSED USER INFORMATION

12. APPURTENANT RIGHT: An appurtenant water right is a legally recognized right to a specific amount of surface freshwater – usually from a stream – on the specific property that has that right. This right traces back to the first time the land was converted to fee simple title; i.e., the Great Mahele and the issuance of either a Land Commission Award or Royal Patent. The quantity of water under the appurtenant right is the amount that was being used on the land shortly before or at the time of the Mahele. Do you claim an appurtenant right for your proposed water use? Check “Yes” or “No.”
If yes, has your appurtenant right been established by the courts or the Commission? Check “Yes” or “No.”
13. PROPOSED END USER INFORMATION: Will you be an end user on an existing water system? Check “Yes” or “No.” If yes, please list the name of the water system operator.
14. REGISTRATION AND DECLARATION OF WATER USE: Do you have a Registration and Declaration of Water Use from the Commission? Check “Yes” or “No”. If yes, list the name of the registrant(s).
15. STREAM DIVERSION WORKS PERMIT (SDWP): Have you ever been issued a SDWP by the Commission? If yes, please list the permit number(s). Otherwise, check “No.”
16. APPLICANT: Sign and print your name, and date your application.
17. SOURCE LANDOWNER: Sign and print your name, and date your application. The landowner of the source shall be a joint applicant in the event the applicant is a lessee, licensee, developer, or any other person with a terminable interest or estate in the land which is the water source of the permitted water. §174C-51(1)(B)

TABLE 1: LAND USE CONSISTENCY / EFFICIENCY OF USE

Provide information on all of the proposed uses you are applying for or seeking to modify. In the space provided below the table or on a separate sheet, explain whether there are any limitations (e.g., a contract or other legal agreement(s)) on your proposed water use(s), as required by §174C-51(5), HRS.

1. PURPOSE / WATER USE CATEGORY: For each proposed use, choose one of the categories listed below and enter the appropriate code in the space provided (e.g. AGRAQ, IRRIG, etc.)

AGRICULTURE	
AGRAQ	Aquatic Plants & Animals
AGRCP	Crops & Processing
AGRLI	Livestock & Processing, and Pasture
AGRON	Ornamental & Nursery Plants
AGROTH	Other
 DOMESTIC	
DOM	Single & Multi Low-Rise & High-Rise Household
DOMN	Domestic (Non-residential)
DOMNCB	Commercial Businesses
DOMNRI	Religious Institutions
DOMNHOS	Hospitals
DOMNHOT	Hotels
DOMNOB	Office buildings
DOMNOTH	Domestic Non-Residential – Other
DOMNSC	Schools

APPLICATION FOR SURFACE WATER USE PERMIT
 PROPOSED NEW USE

INDUSTRIAL	
INDEL	Geothermal, Thermoelectric Cooling, Power Development
INDFP	Fire Protection
INDMI	Mining, Dust Control
INDOTH	Industrial – Other
IRRIGATION	
IRRG	Golf Course
IRRH	Habitat Maintenance
IRRHOT	Hotel
IRRLA	Landscape/Water Features
IRROTH	Other
IRRPCA	Parks
IRRS	Schools
MILITARY	
MIL	Military
MUNICIPAL	
MUNCO	County
MUNPR	Privately owned and operated but defined as a public system by the Department of Health
MUNST	State

- USE TMK: The Tax Map Key number of the parcel over which the water will be applied. There should only be one parcel for each line. Also, attach a TMK map(s) for the lots showing the boundaries of irrigated acreage, etc., as well as a photograph of the area of use.
- STATE LAND USE DISTRICT: To find out the current Land Use District, contact the Land Use Commission at 587-3822.
- CDUP REQUIRED: If a Conservation District Use Permit (CDUP) is required, check “Yes” and enter the date CDUP was approved if you have a CDUP applicable to this project; or check “Yes, not acquired”. If a CDUP is not required, check “No.” To find out if your parcel is in the Conservation District, contact the Land Use Commission at 587-3822. If your parcel is in a Conservation District, contact the Department of Land and Natural Resources Office of Conservation and Coastal Lands at 587-0328 to find out if a CDUP is required.
- COUNTY ZONING CODE: To find out the Zoning Code for Na Wai Eha, contact Maui County Department of Planning at 270-6279 or 270-7253.
- SMAP REQUIRED: If a Special Management Area Permit (SMAP) is required, check “Yes” and enter the date SMAP was approved if you have a SMAP applicable to this project; or check “Yes, not acquired”. If a SMAP is not required, check “No.” To find out if your parcel is in a Special Management Area and requires an SMAP, contact Maui County at 270-8205.
- UNITS OR NET ACREAGE: This is the value and category as the basis for calculating the duty. “Duty” means the amount of water requested for a “unit” over a specific time period, e.g. gallons per acre per day, or gallons/acre/day. “Unit” can mean dwelling unit, or number of people, or animals. Some examples of this category include: 400 dwelling units, 500 people, and 3.74 acres.
- GPD/UNIT or GPD/ACRE (GPD=gallons per day): Enter the gallons per day or gallons per acre for each water use category listed in Column #1.
- REQUESTED QUANTITY OF USE (GPD): Enter the requested quantity of use in gallons per day (GPD) at build out after all phases of your project have been completed. The build out amount may differ from the four-year cumulative projected demand if your build out date extends beyond the cumulative projected four-year demand.
- SUBMETERED? Is there a second measuring device or meter for another user? Check “Yes” or “No” if the specific use will be submetered or not. Submetering is specific to each line item.
- APPLICANT’S JUSTIFICATION FOR QUANTITY OF REQUESTED USE FOR ITEM #9: Explain how you are justifying the amount(s) you are requesting for Item #9. Attach additional copies of Table 1 if necessary to show how this number was calculated. For irrigation uses, fill in Table 2.
- TOTAL POTABLE USE: Add the quantities listed in the column above for potable water and enter the total potable use in gallons per day (GPD) here.
- TOTAL NON-POTABLE USE: Add the quantities listed in the column above for uses that do not require potable water and enter the total non-potable use in gallons per day (GPD) here.
- TOTAL QUANTITY OF WATER REQUESTED: Add the requested amounts listed on Box 13 and Box 14 and enter the total requested amount of both potable and non-potable uses here.
- Please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. HRS §174C-51(5)

TABLE 2: IRRIGATION INFORMATION

On Table 2, provide the information requested for all the crops you are proposing to grow, including landscape and golf course turf and plants. Enter only one crop and one parcel number (TMK) per line. For multiple crops, list each one as a separate line item. All proposed or modified irrigation uses you are applying for must be listed. Attach additional copies of Table 2, if necessary.

- USE TAX MAP KEY (TMK): Enter the parcel number where the crop will be grown. Also attach a property tax map with an outline around the area(s) of proposed use(s) and a photograph of each area of the proposed use.
- CROP: Enter the crop type.
- TOTAL ACREAGE: Enter the total acreage of the parcel listed.
- NET IRRIGATED ACREAGE: Enter the acreage that the specific crop will be grown.
- BEGIN GROWTH PERIOD (MONTH): This is the month of the start of the growth cycle.
- END GROWTH PERIOD (MONTH): This is the month of the end of the growth cycle.
- IRRIGATION SYSTEM: Enter one of the following:

 TRICKLE, DRIP
 TRICKLE, SPRAY
 MULTIPLE SPRINKLERS

APPLICATION FOR SURFACE WATER USE PERMIT
PROPOSED NEW USE

SPRINKLER, CONTAINER NURSERY
SPRINKLER, LARGE GUNS
SEEPAGE, SUBIRRIGATION
CROWN FLOOD
FLOOD (TARO)
OTHER – Please describe in the space provided for Comments.

8. IRRIGATION PRACTICE: Enter one of the following:

IRRIGATE TO FIELD CAPACITY
APPLY A FIXED DEPTH PER IRRIGATION
DEFICIT IRRIGATION
OTHER - Please describe in the space provided for COMMENTS below.

TABLE 3: ALTERNATIVES ANALYSIS AND ADDITIONAL REQUIREMENTS

A. ALTERNATIVES ANALYSIS: Please address each alternative and explain why they are or are not available for potable needs. Other alternatives on the last line may include stormwater reclamation, rainwater catchment, etc. that are not already listed above.

B. ALTERNATIVES ANALYSIS: Please address each alternative and explain why they are or are not available for non-potable needs. Other alternatives on the last line may include stormwater reclamation, rainwater catchment, etc. that are not already listed above.

Surface water is defined in §174C-3, HRS as: *...both contained surface water—that is, water upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other watercourses, lakes, reservoirs, and coastal waters subject to state jurisdiction—and diffused surface water—that is, water occurring upon the surface of the ground other than in contained waterbodies. Water from natural springs is surface water when it exits from the spring onto the earth’s surface.*

C. ADDITIONAL REQUIREMENTS

1. Explain how your proposed new use(s) will maximize beneficial use(s) and how they will be deemed to be in the public interest as defined by the State Water Code below.

Hawaii Revised Statutes §174C-2(c) states that: *The state water code shall be liberally interpreted to obtain maximum beneficial use of the waters of the State for purposes such as domestic uses, aquaculture uses, irrigation and other agricultural uses, power development, and commercial and industrial uses. However, adequate provision shall be made for the protection of traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and the preservation and enhancement of waters of the State for municipal uses, public recreation, public water supply, agriculture, and navigation. Such objectives are declared to be in the public interest.*

2. Explain how your proposed new use(s) will not interfere with any existing legal use(s).

3. Explain how your proposed new use(s) will not interfere with the rights of the Department of Hawaiian Home Lands as provided in Section 221 of the Hawaiian Homes Commission Act. See below. To inquire about potential interference, you may contact the Department of Hawaiian Home Lands Planning Office at 586-3836.

The State Water Code in §174C-101(a), HRS [Native Hawaiian water rights], states: *Provisions of this chapter shall not be construed to amend or modify rights or entitlements to water as provided for by the Hawaiian Homes Commission Act, 1920, as amended, and by chapters 167 and 168, relating to the Molokai irrigation system. Decisions of the commission on water resource management relating to the planning for, regulation, management, and conservation of water resources in the State shall, to the extent applicable and consistent with other legal requirements and authority, incorporate and protect adequate reserves of water for current and foreseeable development and use of Hawaiian home lands as set forth in section 221 of the Hawaiian Homes Commission Act.*